

REMARKS

By the present amendment, claims 18 and 38 have been amended. Claims 1-17 and 27-36 were previously canceled.

Claims 18-28 and 37-50 remain pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 18-20, 24-28, 37-41 and 45-50 Under 35 USC § 103(a)

The Examiner has rejected claims 18-20, 24-28, 37-41 and 45-50 under 35 U.S.C. § 103(a), as being unpatentable over Koerner, U.S. Patent No. 6,820,584, in view of Bouse, U.S. Publication No. 2004/0019461. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 18 as originally filed:

a multi-mode set of fault indicators mounted directly to a portion of the internal combustion engine,

and the following feature of claim 38 as originally filed:

a fault indicator mounted to a portion of the outboard motor

As indicated by the Examiner on page 2 of the rejection, the above features of claims 18 and 38 are not taught by Koerner.

As indicated by the Examiner on page 3 of the rejection, this deficiency in Koerner is not remedied by Bouse.

The Examiner asserts on page 3 of the rejection that

[r]egarding the claimed particular location for the indicator, i.e., mounted on the engine, it would be considered as the relocation of the known device for its known function since the applicants have admitted in the specification that the provision of the fault indicators on the dashboard is old and well known in the art (page 2, [0002]). Thus, relocating the known device would be within the ability of one of ordinary skill in the art.

The Applicants disagree with the Examiner's assertion.

While the Applicants admit that providing fault indicators on the dashboard of a boat is known in the art, they do not admit that the provision of fault indicators anywhere other than on the dashboard is known in the art.

If a person skilled in the art were looking to place a fault indicator on a watercraft, he would immediately think to place them on the dashboard, so that the indicator could be observed by a user while operating the vessel from a position at the front of the vessel, remote from the engine.

By way of analogy, if a person designing a car were deciding where to place the "service engine" indicator light, he would immediately think to place it on the dashboard of the car. While it may be obvious to relocate this indicator light anywhere on the dashboard, it would not be obvious to place it, for example, directly on the engine. In this location, the indicator light would be inaccessible to the driver while driving the car, and as such it would not occur to a person skilled in the art to relocate the indicator light to that particular position.

Similarly, a person skilled in the art of boat design would not think to place fault indicators anywhere other than on the dashboard, and would certainly not think to place them on the engine itself, where they could not be seen by a driver at the front of the watercraft. The motivation for mounting fault indicators directly to a portion of an internal combustion engine can only be obtained by impermissible hindsight in view of the Applicants' specification.

In particular, neither Koerner nor Bouse provide motivation for a person skilled in the art to mount fault indicators directly to a portion of an internal combustion engine.

Regarding Koerner, as the Examiner has indicated on page 2 of his rejection,

Koerner does not show the use of a plural fault indicator, [or]
the particular location for the indicator (directly mounted on the
outboard engine),

As discussed above, assuming (but without admitting) that Koerner could be said to motivate any particular location for a fault indicator, it could only be the conventional position on the dashboard of a watercraft. Koerner provides no indication that fault indicators

could be placed elsewhere than on the dashboard of a watercraft, and provides no motivation to do so.

This deficiency in Koerner is not remedied by Bouse, without admitting that Koerner and Bouse can be combined, and reserving the right to argue thereagainst in the future.

Referring to paragraph [0002] of Bouse, Bouse

relates generally to process plant monitoring devices and, more particularly, to a device that performs on-line monitoring for rotating equipment within a process plant.

Referring now to paragraph [0019] of Bouse, Bouse describes the monitoring of the process plant to which his invention relates.

Referring now to FIG. 1, a process plant 10 includes numerous field devices 18 connected to a distributed control system (DCS) controller 20 via one or more input/output devices 22. The DCS controller 20 is connected to one or more host computers 24 and 26 and to a data historian 28 via a bus 30 which may be, for example, an Ethernet bus. As is known, the DCS controller 20 performs any desired type of control within the plant 10 by sending signals to and receiving signals from the field devices 18 and processing such signals using any known or standard control software. The DCS controller 20 may report status information to one or more applications within, for example, the host computer 24 regarding the operating state of the process and/or the operating state of the field devices 18.

Referring also to Figure 1 of Bouse, it is apparent that Bouse teaches remote on-line monitoring of a process plant by sending signals from the field devices 18 to a remote host computer 24 via a bus 30, and displaying on the host computer 24 information relating to the operating state of the field devices 18. Therefore, Bouse motivates positioning fault indicators remotely from the actual device being monitored, and not directly thereon.

In addition, modifying Bouse to position the fault indicators directly on the field devices 18 would defeat the purpose of Bouse to provide remote on-line monitoring of the field devices 18, because these fault indicators would not be viewable from a remote computer terminal via the bus 30.

Therefore, even if Koerner and Bouse could be combined, which is not admitted, their combination would teach only the positioning of fault indicators in a location remote from an internal combustion engine, either on the dashboard of a watercraft or a remote computer terminal, and not mounted directly to a portion thereof as claimed.

Therefore, at least one feature of claims 18 and 38 is not taught by Koerner or Bouse, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claim 18 and claims 19, 20, 24-28 and 37 depending therefrom, as well as claim 38 and claims 39-41 and 45-50 depending therefrom.

In regard to Rejection of Claims 38-40, 45 and 47-49 Under 35 USC § 103(a)

The Examiner has rejected claims 38-40, 45 and 47-49 under 35 U.S.C. § 103(a), as being unpatentable over Koerner. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 38 as originally filed:

a fault indicator mounted to a portion of the outboard motor

As discussed above with respect to claims 18-20, 24-28, 37-41 and 45-50, the above feature of claim 38 is not taught by Koerner, and this deficiency in Koerner is not remedied by the Examiner's assertion that the provision of fault indicators on the dashboard is old and well known in the art.

Therefore, at least one feature of claim 38 is not taught by Koerner or the Examiner's assertion, alone or in combination. As such, the Examiner is requested to withdraw his rejection of claim 38 and claims 39, 40, 45 and 47-49 depending therefrom.

In regard to Rejection of Claims 18-24, 26-28, 37, 41-44 and 50 Under 35 USC § 103(a)

The Examiner has rejected claims 18-24, 26-28, 37, 41-44 and 50 under 35 U.S.C. § 103(a), as being unpatentable over Koerner in view of Renz, U.S. Patent No. 3,960,011. The Applicants disagree.

The Examiner's attention is directed to the following feature of claim 18 as originally filed:

a multi-mode set of fault indicators mounted directly to a portion of the internal combustion engine,

and the following feature of claim 38 as originally filed:

a fault indicator mounted to a portion of the outboard motor

As discussed above with respect to claims 18-20, 24-28, 37-41 and 45-50, the above features of claims 18 and 38 are not taught by Koerner, and this deficiency in Koerner is not remedied by the Examiner's assertion that the provision of fault indicators on the dashboard is old and well known in the art.

This deficiency in Koerner is not remedied by Renz, without admitting that Renz can be combined with Koerner and reserving the right to argue thereagainst in the future.

Referring to lines 11-27 of column 1 of Renz,

Although the invention will be described in detail below with reference to a monitoring and annunciating system used in conjunction with a conventional diesel engine, such as a diesel engine that is used to power refrigeration equipment in a railroad refrigerator car, it is to be understood that the invention may be used in conjunction with other types of devices that have plural operating parameters of which it is desirable to effect monitoring and to indicate for a relatively long period of time the first operating parameter that fails and causes shut down of the device, especially when the device is remotely located and/or not subject to relatively frequent supervision. The instant invention, therefore, provides to an observer an indication of the first occurring fault that has caused the shut down of a monitored engine or similar device.

It is apparent that the monitoring system of Renz is intended to remotely monitor a device that is "remotely located and/or not subject to relatively frequent supervision." As such, modifying Renz to position fault indicators directly on the device being monitored would defeat the stated purposes of Renz to be able to remotely monitor the remotely-located device, and to frequently monitor a device that is not subject to relatively frequent supervision.

Therefore, even if Koerner and Renz could be combined, which is not admitted, their combination would teach only the positioning of fault indicators in a location remote from an

internal combustion engine, either on the dashboard of a watercraft or a remote computer terminal, and not mounted directly to a portion thereof as claimed.

Therefore, at least one feature of claims 18 and 38 is not taught by Koerner or Renz, alone or in combination, which combination is not admitted. As such, the Examiner is requested to withdraw his rejection of claim 18 and claims 19-24, 26-28 and 37 depending therefrom, as well as claims 41-44 and 50 depending from claim 38.

Miscellaneous Amendments

Claims 18 and 38 have been amended to recite additional features of outboard engines. These amendments are not made in response to any rejection made by the Examiner. Support for these amendments is found in the specification as originally filed, in particular paragraph [0019] thereof.

In view of the above remarks, the Applicants respectfully submit that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

At the time of filing of the present response, the Office was authorized to charge the fees believed to be necessary to a credit card. In case of any under- or over-payment or should any additional fee be otherwise necessary, the Office is hereby authorized to credit or debit (as the case may be) Deposit Account number 502977.

Respectfully submitted,

/Jonathan D. Cutler/

Jonathan D. Cutler, Reg. No. 40,576
OSLER, HOSKIN & HARCOURT LLP
Attorneys for the Applicant

OSLER, HOSKIN & HARCOURT LLP
1000 de la Gauchetière St. West
Suite 2100
Montréal, Québec H3B 4W5
Canada

Tel. (514) 904-8100
Fax. (514) 904-8101